

Message Text

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66

ACTION OES-04

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TAGS: IAEA, TECH

SUBJECT: FRG CALLS FOR STANDARDIZATION OF NON-
NPT SAFEGUARDS.

REF: IAEA VIENNA 10070

1. FOLLOWING APPROVAL OF ARGENTINE SAFEGUARDS
AGREEMENT AT 11/29 SPECIAL BOARD MEETING, FRG REP
(UNGERER) TOOK FLOOR TO DELIVER "GENERAL STATEMENT",
WHICH HE READ FROM PREPARED TEXT, ON SUBJECT OF
SAFEGUARDS AGREEMENTS BASED ON INFCIRC 66, REV. 2.
PERTINENT PORTIONS OF STATEMENT WERE AS FOLLOWS:
QUOTE: MR. CHAIRMAN, I SHOULD LIKE TO TAKE THE
OPPORTUNITY TO MAKE A FEW MORE REMARKS LIMITED TO THE
ADMINISTRATION AND PROCEDURAL ASPECTS OF THE CON-
CLUSION OF SAFEGUARDS AGREEMENTS. THE EXAMINATION OF
THE DRAFT AGREEMENT HAS MADE EVIDENT THAT THE SAFEGUARDS
AGREEMENTS BASED ON INFCIRC. 66 ARE FORMULATED IN SUCH
A WAY THAT IT IS EXTREMELY DIFFICULT TO ASSESS THE MEANING
OF PARTICULAR PROVISIONS. THERE ARE SO MANY REFERENCES
TO OTHER PROVISIONS OF THE AGREEMENT AS WELL AS TO THE
SAFEGUARDS DOCUMENT INFCIRC. 66 THAT THE TEXT ITSELF
HARDLY REVEALS WHAT IS ACTUALLY SAFEGUARDED AND WHAT IS
NOT. IT APPEARS, THEREFORE, DESIRABLE TO RECONSIDER THE
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DRAFTING OF SUCH SAFEGUARDS AGREEMENTS IN ORDER TO ARRIVE

AT A MORE UNDERSTANDABLE TEXT. THE BEST MEANS OF DOING SO, WOULD BE TO ELABORATE WITHIN THE SECRETARIAT DRAFT MODELS OF SAFEGUARDS AGREEMENTS UNDER INFCIRC, 66 WHICH CAN BE USED AS A BASIS FOR FUTURE NEGOTIATIONS.

.....UP TO NOW SAFEGUARDS AGREEMENTS UNDER INFCIRC. 66 WERE RELATED TO PARTICULAR SUPPLIES OF NUCLEAR MATERIAL AND EQUIPMENT BY A GIVEN SUPPLIER STATE TO THE IMPORTING COUNTRY. IT IS EVIDENT THAT COUNTRIES WHICH WISH TO IMPORT NUCLEAR MATERIAL AND EQUIPMENT FROM DIFFERENT SOURCES WOULD SOON FIND THEMSELVES UNDER THE OBLIGATION TO NEGOTIATE AND CONCLUDE SAFEGUARDS AGREEMENTS FOR EACH SUPPLY OF NUCLEAR MATERIAL AND EQUIPMENT, AT LEAST AS LONG AS THEY COME FROM DIFFERENT SUPPLIERS AND CONCERN DIFFERENT PROJECTS. THE NEGOTIATION OF SUCH SAFEGUARDS AGREEMENTS MIGHT THUS BECOME GRADUALLY AN OBSTACLE TO INTERNATIONAL TRADE.

THE TIME HAS THEREFORE COME TO SIMPLIFY PROCEDURES. AS A NUMBER OF SUPPLIER COUNTRIES HAVING INFORMED THE AGENCY - AND I REFER TO DOCUMENT INFCIRC.209 - THAT THEY WILL EXPORT NUCLEAR MATERIAL AND EQUIPMENT AND OTHER MATERIAL ESPECIALLY DESIGNED OR PREPARED FOR THE PROCESSING, USE OR PRODUCTION OF SPECIAL FISSIONABLE MATERIAL TO NON-NUCLEAR WEAPON STATES ONLY IF THE NUCLEAR MATERIAL IS SUBJECT TO SAFEGUARDS UNDER AN AGREEMENT WITH THE IAEA, IT SEEMS TO ME THAT IT MIGHT BE IN THE INTEREST OF IMPORTING STATES, WHICH DO NOT HAVE A SAFEGUARDS AGREEMENT BASED ON INFCIRC.153, TO HAVE ONE SAFEGUARDS AGREEMENT COVERING ALL IMPORTS FROM THE ABOVE MENTIONED SUPPLIER STATES INSTEAD OF BEING OBLIGED TO CONCLUDE SEVERAL SAFEGUARDS AGREEMENTS IN ORDER TO COVER DIFFERENT SUPPLIES. THIS WOULD AVOID TIME CONSUMING NEGOTIATIONS AND POSSIBLE DELAYS DUE TO THE NECESSARY APPROVAL OF SAFEGUARDS AGREEMENTS OF THE OLD TYPE. ONCE SUCH A MASTER AGREEMENT/CONCLUDED, THE IMPORT OF NUCLEAR MATERIAL AND RELATED EQUIPMENT WOULD ONLY REQUIRE TIMELY NOTIFICATION TO THE AGENCY, SO THAT THE ITEM TO BE IMPORTED COULD THEN BE LISTED IN THE INVENTORY. I NEED NOT TO POINT OUT HOW MUCH SUCH A PROCEDURE WOULD SIMPLIFY THINGS, FACILITATE THE IMPORT LIMITED OFFICIAL USE

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OF NUCLEAR MATERIAL AND EQUIPMENT AND PROMOTE THE INTERNATIONAL EXCHANGE OF NUCLEAR PRODUCTS.

CONSIDERING THESE ADVANTAGES, I SHOULD LIKE TO SUGGEST THAT THE SECRETARIAT IN PREPARING MORE UNDERSTANDABLE TEXTS OF MODEL AGREEMENTS UNDER INFCIRM66 TAKES INTO ACCOUNT THE POSSIBILITY OF A MASTER AGREEMENT COVERING IMPORTS OF NUCLEAR MATERIAL AND

RELATED EQUIPMENT FROM VARIOUS SUPPLIERS. END QUOTE.

2. SWISS REPRESENTATIVE (VON SCHENK) SUPPORTED PROPOSAL FOR DRAFTING OF MODEL AGREEMENTS, BUT DID NOT RPT NOT SPECIFICALLY REFER TO FRG PROPOSAL FOR "MASTER AGREEMENT."

3. COMMENT: IT IS NOT CLEAR WHETHER "SUPPLIER STATES" REFERRED TO BY UNGERER MEANS THOSE STATES WHICH HAVE OR WILL ASSOCIATE THEMSELVES WITH EXPORT POLICY CONTAINED INFCIRC 209, OR ALL POTENTIAL SUPPLIERS. IN EITHER CASE, HOWEVER, CONCEPT OF "UMBRELLA AGREEMENT", WHICH UNGERER HAS ATTEMPTED TO PEDDLE IN THE PAST, DOES NOT ADDRESS FUNDAMENTAL QUESTION OF HOW A STATE WHICH HAS NOT ADHERED TO THE NPT IS TO BE PERSUADED THAT IT IS IN SOME WAY IN ITS INTERESTS TO GIVE UP IN ADVANCE, BY ACCEPTING A SINGLE "MASTER" AGREEMENT, ITS NEGOTIATING PREROGATIVES FOR FUTURE IMPORTS OF NUCLEAR MATERIAL AND EQUIPMENT. END COMMENT. PORTER

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